

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

09/715,013

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

14

DATE MAILED:

### INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) Cynthia H. Kelly (3) Barry E. Bretschneider  
(2) Kimberly T. Nguyen (4) Keunsu K. P. Chang  
Date of Interview 1/21/03

Type: ☐ Telephonic ☐ Televideo Conference ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☒ Yes ☐ No If yes, brief description: Proposed Amendments

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: All

Identification of prior art discussed: Tsuchiya

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed amendment to independent claims to add "substantially free from slip additives." Examiner agreed to withdraw new matter rejection. Discussed VS-94 commercial product.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

Kimberly T. Nguyen

## Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

### §1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111 and 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet carbon interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, pointing out typographical errors or unreadable script in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter to complete the reply and thereby avoid abandonment of the application (37 CFR 1.135(c)).

### Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

BEST AVAILABLE COPY

**CERTIFICATE OF HAND DELIVERY**

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on February \_\_, 2003.

\_\_\_\_\_  
Kathleen J. Farrar

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Keunsuk P. CHANG et al.

Serial No.: 09/715,013

Filing Date: Nov. 20, 2000

For: BIAXIALLY ORIENTED  
POLYPROPYLENE METALLIZED  
FILM FOR PACKAGING

Examiner: Kimberly T. Nguyen

Group Art Unit: 1774

**AMENDMENT UNDER 37 CFR 1.111**

Commissioner for Patents  
Washington, D.C. 20231

In response to the Action of March 13, 2002, please amend this application as follows:

## AMENDMENTS

### In the Claims:

Cancel claims 23 and 45 without prejudice or disclaimer.

Amend claims 1, 3, 25 and 27 to read as follows:

1. (Amended) A laminate film comprising:

a polyolefin resin layer substantially free from slip additives and having a discharge-treated surface on one side of said polyolefin resin layer comprising at least 0.3% nitrogen functional groups on said discharge-treated surface; and

a metal layer having an optical density of at least about 2.6 deposited on said discharge-treated surface of said polyolefin resin layer,

wherein said discharge-treated surface is formed in an atmosphere consisting essentially of CO<sub>2</sub> and N<sub>2</sub> to form said nitrogen functional groups and wherein the laminate film has a barrier durability under 9% elongation of 46.5 cc/m<sup>2</sup>/day or less oxygen transmission rate through the laminate film.

3. (Amended) A laminate film comprising:

a first polyolefin resin layer substantially free from slip additives and having a first surface and a second surface;

a second polyolefin resin layer substantially free from slip additives that is disposed on the first surface of said first polyolefin resin layer having a discharge-treated surface on said second polyolefin resin layer disposed on the side opposite that of the first polyolefin layer comprising at least about 0.3% nitrogen functional groups on said discharge-treated surface;

a metal layer having an optical density of at least about 2.6 deposited on said second polyolefin resin layer; and

a heat sealable layer or a winding layer disposed on the second surface of said first polyolefin resin layer,

wherein said discharge-treated surface is formed in an atmosphere consisting essentially of CO<sub>2</sub> and N<sub>2</sub> to form said nitrogen functional groups and wherein the laminate film has a barrier durability under 9% elongation of 46.5 cc/m<sup>2</sup>/day or less oxygen transmission rate through the laminate film.

25. (Amended) A laminate film comprising:

a polyolefin resin layer substantially free from slip additives and having a discharge-treated surface; and

a metal layer having an optical density of at least about 2.6 deposited on said discharge-treated surface;

wherein said discharge-treated surface is formed in an atmosphere consisting essentially of CO<sub>2</sub> and N<sub>2</sub> to form said nitrogen functional groups and wherein the laminate film has a barrier durability under 9% elongation of 46.5 cc/m<sup>2</sup>/day or less oxygen transmission rate through the laminate film.

27. (Amended) A laminate film comprising:

a first polyolefin resin layer substantially free from slip additives and having a first surface and a second surface;

a second polyolefin resin layer substantially free from slip additives that is disposed on the first surface of said first polyolefin resin layer;

a metal layer having an optical density of at least about 2.6 deposited on said second polyolefin resin layer; and

a heat sealable layer or a winding layer disposed on the second surface of said first polyolefin resin layer,

wherein said discharge-treated surface is formed in an atmosphere consisting essentially of CO<sub>2</sub> and N<sub>2</sub> to form said nitrogen functional groups and wherein the laminate film has a barrier durability under 9% elongation of 46.5 cc/m<sup>2</sup>/day or less oxygen transmission rate through the laminate film.

## REMARKS

Applicants and the undersigned thank Examiner Nguyen for the courtesies extended during the interview of January 21, 2003.

The Examiner objected to the specification on the ground that “[t]he amendment of the specification wherein the phrase ‘air, CO<sub>2</sub>’ was deleted from pages 3, 5 and 7 since Applicants had originally included air and CO<sub>2</sub> as gases in which the discharge treatment of the polyolefin resin layer was preferably conducted in.” This objection is respectfully traversed.

Applicants respectfully submit that the Examiner has misread the disclosure. Pages 3, 5 and 7 expressly state that an atmosphere of CO<sub>2</sub> and N<sub>2</sub> is *more* preferred, and that air and CO<sub>2</sub> are merely “preferred.” Applicants have every right to limit their disclosure to their most preferred embodiment without *adding* new matter. The Examiner has not rejected the claims for lack of enablement or lack of a written description, so it is apparent from the Action that even the specification as amended supports the claims in this application prior to the amendments above. The Examiner’s stated basis for this objection is incorrect, so the objection should be withdrawn.

Applicants have amended the independent claims by incorporating the limitations of claims 23 and 45, which have been canceled, and clarifying that the atmosphere used to form the N-functional groups consists essentially of CO<sub>2</sub> and N<sub>2</sub> so as to distinguish the atmosphere used in the invention from air or CO<sub>2</sub> alone. Applicants intend the description in the claims of the corona treatment process to be a limiting feature of the claims for purposes of patentability, since the claimed N-functional group content is achieved by employing the claimed corona discharge treatment. Applicants have also amended the claims to state that the polymer layers of the film are “substantially free from slip additives.” This amendment is supported by Examples 1 and 2, both of which show laminated films that do not include slip additives. Entry of these amendments is respectfully requested since they would at least put this application in better condition for appeal and indeed put the claims in condition for allowance.

**[Applicants will discuss the prior art rejections at the interview in light of the amendments above.]**

In light of the above, a Notice of Allowance is solicited.

Attached hereto is a marked-up version of the changes made to the claims by this amendment, captioned "Version with markings to show changes made."

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 361752000500.

Respectfully submitted,

Dated: February \_\_, 2003

By: \_\_\_\_\_  
Barry E. Bretschneider  
Registration No. 28,055

Morrison & Foerster <sup>LLP</sup>  
1650 Tysons Boulevard, Suite 300  
McLean, Virginia 22102-3915  
Telephone: (703) 760-7743  
Facsimile: (703) 760-7777

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Amended) A laminate film comprising:

a polyolefin resin layer substantially free from slip additives and having a discharge-treated surface on one side of said polyolefin resin layer comprising at least 0.3% nitrogen functional groups on said discharge-treated surface; and

a metal layer having an optical density of at least about 2.6 deposited on said discharge-treated surface of said polyolefin resin layer,

wherein said discharge-treated surface is formed in an atmosphere consisting essentially of CO<sub>2</sub> and N<sub>2</sub> to form said nitrogen functional groups and wherein the laminate film has a barrier durability under 9% elongation of 46.5 cc/m<sup>2</sup>/day or less oxygen transmission rate through the laminate film.

MPZP  
13

3. (Amended) A laminate film comprising:

a first polyolefin resin layer substantially free from slip additives and having a first surface and a second surface;

a second polyolefin resin layer substantially free from slip additives that is disposed on the first surface of said first polyolefin resin layer having a discharge-treated surface on said second polyolefin resin layer disposed on the side opposite that of the first polyolefin layer comprising at least about 0.3% nitrogen functional groups on said discharge-treated surface;

a metal layer having an optical density of at least about 2.6 deposited on said second polyolefin resin layer; and

a heat sealable layer or a winding layer disposed on the second surface of said first polyolefin resin layer,

wherein said discharge-treated surface is formed in an atmosphere consisting essentially of CO<sub>2</sub> and N<sub>2</sub> to form said nitrogen functional groups and wherein the laminate film



has a barrier durability under 9% elongation of 46.5 cc/m<sup>2</sup>/day or less oxygen transmission rate through the laminate film.

25. (Amended) A laminate film comprising:

a polyolefin resin layer substantially free from slip additives and having a discharge-treated surface; and

a metal layer having an optical density of at least about 2.6 deposited on said discharge-treated surface;

wherein said discharge-treated surface is formed in an atmosphere consisting essentially of CO<sub>2</sub> and N<sub>2</sub> to form said nitrogen functional groups and wherein the laminate film has a barrier durability under 9% elongation of 46.5 cc/m<sup>2</sup>/day or less oxygen transmission rate through the laminate film.

27. (Amended) A laminate film comprising:

a first polyolefin resin layer substantially free from slip additives and having a first surface and a second surface;

a second polyolefin resin layer substantially free from slip additives that is disposed on the first surface of said first polyolefin resin layer;

a metal layer having an optical density of at least about 2.6 deposited on said second polyolefin resin layer; and

a heat sealable layer or a winding layer disposed on the second surface of said first polyolefin resin layer,

wherein said discharge-treated surface is formed in an atmosphere consisting essentially of CO<sub>2</sub> and N<sub>2</sub> to form said nitrogen functional groups and wherein the laminate film has a barrier durability under 9% elongation of 46.5 cc/m<sup>2</sup>/day or less oxygen transmission rate through the laminate film.

- maybe more #24 not 1st claim.

\* "free additives" - to avoid <sup>migrating</sup> additives to avoid migrating to surface

Touching - VS-94 (sold under) Commercial product in chart  
 ↳ by Sayr Buckaya for film B bad + have  
new disclosure of Touching film.

VS-94 → use Buckaya's slip agent (with figure) <sup>chemical structure</sup>

↳ OT is 18x more than here <sup>↳ "W"</sup>

Touching shows no slip additives in Examples  
 and ↳ 8+10

- and good examples show slip additives

↳ ex. 3+4 show  
why additives added

New Matter  
 MPEP

\* 1302.01 - Sayr that can have Apprants  
 delete "ar" if have more narrow claim to

\* 37. CO<sub>2</sub> + N<sub>2</sub>  
 - Not broadening - by taking out "ar", but  
 narrowing

\* Spec. p. 3. 18-20  
 → shows "more polarizing CO<sub>2</sub> + N<sub>2</sub>"

2 Docs.